

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.284 OF 2007

Alakh Prakash Sen .. Petitioner
Versus
V.V.Bagul & Associates and Anr. .. Respondents

Mr.Yatin R.Shah for petitioner
Mr.Burzin Somandy with Ms.Chaitra Rao and
Sushant Chavan i/b.M & M Legal Ventures for
respondent No.2.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 18th October 2007.

P.C.

. The claim of the petitioner before me has
been rejected by the Arbitrator on the ground of
limitation.

2. With the able assistance of learned
Counsel for parties, I have perused the subject
Award and the finding on the point of limitation.

The Arbitrator has clearly observed that the subject by-law came into effect from 4th October 2003. Atleast from the time the by-law came into force, the petitioner should have lodged the claim within the period stipulated in the by-law. That is also not done by the petitioner, admittedly. The claim arises out of some transaction of the year 1999. There is no explanation as to why after the by-law was brought into effect, the claim was not lodged within a period of six months as stipulated therein. Having found that there is no explanation with regard thereto, the finding of the Arbitrator that the claim suffers from delay and latches and barred by limitation cannot be said to such as would warrant interference under the limited jurisdiction conferred by section 34 of the Arbitration Act. Petition dismissed. No costs.

(S.C.DHARMADHIKARI, J)